

After an independent and thorough review of the magistrate's memorandum, Plaintiff's objections thereto, and Defendant's responses to the objections, the Court concludes that the recommendation to deny the Plaintiff's Motion for Summary Judgment and to grant the Defendant's Motion for Summary Judgment is correct and in accordance with law. Accordingly, the findings and conclusions of the magistrate are accepted, and Plaintiff's Motion for Summary Judgment is DENIED and Defendant's Motion for Summary Judgment is GRANTED.

IT IS THEREFORE ORDERED that the memorandum and recommendation of the
magistrate is hereby AFFIRMED.

Signed: September 30, 2011

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

